

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

CHAROLETTE R. KUNS

PLAINTIFF

V.

CIVIL ACTION NO. 1:19-cv-234-HSO-JCG

WASTE PRO OF MISSISSIPPI, INC.

DEFENDANT

NOTICE OF REMOVAL TO FEDERAL COURT

Defendant, Waste Pro of Mississippi (“Waste Pro”) hereby removes this case from the Circuit Court of Harrison County, Mississippi to the United States District Court for the Southern District of Mississippi, Southern Division. In support of this Notice, Defendant states:

1. Plaintiff’s complaint was filed in the Circuit Court of Harrison County, Mississippi, First Judicial District, on February 20, 2019 and designated by Cause No. 24CI1:19-cv-00047.

2. Waste Pro was served with Plaintiff’s Complaint through its agent for service of process on April 1, 2019. Waste Pro is timely filing the present Notice of Removal within thirty (30) days of service as required by 28 U.S.C. §1446(b).

3. This lawsuit is a civil action over which this Court has original jurisdiction pursuant to 28 U.S.C. §1441 (a) and (c), as the Complaint alleges claims which arise under the federal laws of the United States.

4. In her Complaint, Plaintiff asserts claims under the Family Medical Leave Act (“FMLA”). *See* Complaint, ¶¶ 3, 30-34, 35-37. Consequently, this Court has federal question jurisdiction over this action pursuant to the provisions of 28 U.S.C. § 1441(c).

5. Pursuant to 28 U.S.C. § 1446(a), attached hereto as Exhibit “A” is a copy of the Civil Docket Sheet for the Circuit Court of Harrison County, Mississippi; as Exhibit “B” is Plaintiff’s Complaint together with all exhibits attached thereto; as Exhibit “C” is the Civil Cover Sheet for Circuit Court in Harrison County, Mississippi, as Exhibit “D” is Plaintiff’s Motion for Payment of Cost of Personal Service, (3) Exhibit “E” is the Summons returned executed. These documents comprise the entire file of the Circuit Court of Harrison County, Mississippi for this matter and all documents and process served upon Defendant.

6. In accordance with the requirements of 28 U.S.C. § 1446(d), upon filing this Notice, Defendants have given written notice to Plaintiff and the Clerk of the Circuit Court of Harrison County, Mississippi by furnishing to each a copy of this Notice and all attachments hereto. A copy of the Notice of Filing Notice of Removal is attached hereto as Exhibit “F.”

WHEREFORE, Defendant hereby removes this action to the United States District Court for the Southern District of Mississippi, Southern Division.

This the 9th day of April, 2019.

Respectfully submitted,

/s/ M. Kimberly Hodges
M. Kimberly Hodges (MS Bar No. 100276)
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**ATTORNEYS FOR WASTE PRO OF
MISSISSIPPI, INC.**

CERTIFICATE OF SERVICE

I, the undersigned counsel certify that a copy of the foregoing is being served on counsel for the Plaintiff and Harrison County Circuit Court, MS, as follows:

J. Paul Barber, Esq.
2598 Pass Rd., Suite A
Biloxi, MS 39531
paul@jpaulbarberlaw.com

Served this day by United States mail, first class postage prepaid

Connie Ladner
Circuit Clerk
Harrison County Circuit Court, MS
1801 23rd Avenue
Gulfport, MS 39501

Served this day by United States mail, first class postage prepaid

This the 9th day of April, 2019.

/s/ M. Kimberly Hodges
M. KIMBERLY HODGES

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